

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL
APPROVING IN PART, CONCURRING IN PART**

Re: *Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, PS Docket No. 11-82*

My colleagues and I agree on the vital importance placed on voice calls to 9-1-1. All Americans rightly expect their emergency calls to go through, even though most may not understand the technologies involved, how the systems operate or their regulatory treatment. I am grateful to all of the commenters for sharing their important insights and marketplace experiences on this topic in response to the notice of inquiry initiated last April. And, I thank the Chairman for his willingness to accept edits that allow for meaningful comment on the Commission's authority to impose outage reporting requirements on broadband Internet service providers. In my view, we do not have Congress's authority to act as suggested.

On the other hand, I agree that if we are to have rules, the proper way to proceed is through a notice of proposed rulemaking containing the text of proposed rules. Again, I appreciate Chairman Genachowski's efforts on this front. Also, we are at the beginning of the rulemaking stage, final decisions have yet to be made, and the notice contains many questions on the matter of our jurisdiction, not to mention the scope of the proposal.

For these reasons, I am voting to approve this notice (and process), but I am concurring on the notice's discussion of the Commission's legal authority. Given the importance of the topic, I am entering this process with an open mind and look forward to learning more. As always, I thank our talented staff for their hard work and diligence.